

TOWNSHIP OF WALL

ORDINANCE NO. 10-2022

**AUTHORIZATION FOR A WATER LINE EASEMENT SWAP INVOLVING
BLOCK 806, LOT 2 ON THE TAX MAPS OF THE TOWNSHIP OF WALL - 2274
STATE HIGHWAY 34**

WHEREAS, on November 18, 2021, the Township Zoning Board of Adjustment granted N5 Wall, LLC (“Owner”) site plan and variance approval (“Approval”) to permit development of self-storage facility on the subject property located at 2274 State Highway 34, Wall Township, County of Monmouth, State of New Jersey and identified as Block 806, Lot 2 on the Tax Maps of the Township of Wall (the “Property”); and

WHEREAS, the Owner’s predecessor, SSM Partners, had conveyed to the Township of Wall (“Wall”) a water line easement (the “Easement”) over portions of the Property, by deed recorded on May 4, 2009 in Page 9776 of Book OR-8770 in the Monmouth County Clerk’s Office, the legal description of which is attached hereto as **Exhibit “A”**; and

WHEREAS, the Easement was prepared and recorded in conjunction with the development plans for SSM Partners for an office development, which was never developed and abandoned by SSM Partners; and

WHEREAS, in order to effectuate the Approval for the Owner, the Owner requested that Wall extinguish and vacate the recorded Easement, in exchange for the Owner granting a Deed of Dedication an Amended Water Line Easement to the Township over the property as provided in the description attached hereto as **Exhibit “B”**; and

WHEREAS, the Township Engineer has reviewed the proposed the modifications and approved the description contained in **Exhibits “A” and “B”** from an engineering standpoint recommends that the Township Committee extinguish the Easement and enter into a modified easement with the Owner; and

WHEREAS, the Township’s Tax Assessor has certified that the “full and fair value” of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

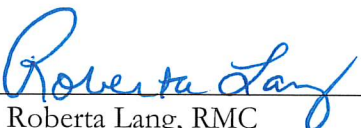
1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized to execute a Deed extinguishing and terminating the easement over the property described in Exhibit A, in exchange for a Deed granting to the Township a Deed of Dedication an Amended Water Line Easement over the property described in

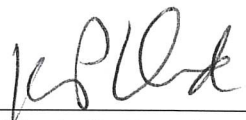
Exhibit B. The form and substance of the deeds shall be subject to the review and approval of the Township Attorney.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.
4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
5. This Ordinance shall take effect upon passage and publication in accordance with law.

Introduced: January 26, 2022

Adopted: February 23, 2022

Attest: 
Roberta Lang, RMC
Township Clerk

Approve: 
Kevin P. Orender
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 10-2022

**AUTHORIZATION FOR A WATER LINE EASEMENT SWAP INVOLVING
BLOCK 806, LOT 2 ON THE TAX MAPS OF THE TOWNSHIP OF WALL - 2274
STATE HIGHWAY 34**

Adoption of this ordinance will authorize a water line easement swap of Block 806 Lot 2 – 2274 State Highway 34

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on **January 26, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **February 23, 2022** at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

**Roberta M. Lang, R.M.C.
Municipal Clerk**

Exhibit A

Exempt

MAY 04 2009



PREPARED BY:

ANTHONY J. PETERPAUL

**DEED OF DEDICATION OF
WATER LINE EASEMENT**

** TO BE VACATED **
This Deed of Dedication of Water Line Easement is made this 21st day of April, 2009, and is by and between SSM PARTNERS, LLC, a New Jersey limited liability company, having an address of 20 East Willow Street, Millburn, New Jersey 07041, hereinafter referred to as the ("Grantor"), and TOWNSHIP OF WALL, a municipal corporation of the State of New Jersey, whose address is 2700 Allaire Road, P.O. Box 1168, Wall Township, New Jersey 07719, referred to as the ("Grantee").

W I T N E S S E T H :

Whereas, the Grantor is the owner of the property commonly known and designated as lot 2 in block 806 (formerly lots 2 and 26 in block 806) as shown on the Official Tax Map of the Township of Wall; and

Whereas, the Grantor desires and intends to grant and convey unto the Grantee a certain perpetual water line easement for the uses and purposes herein expressed; and

Whereas, the legal description setting forth the area of the easement is more fully described on Schedule A, attached hereto and made a part hereof, and a plan depicting the area of easement is set forth on Schedule B, attached hereto and made a part hereof, (hereinafter "Easement Area");

Now therefore, the Grantor, in consideration of the covenants and agreements hereinafter recited and the sum of one dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby dedicate, give, grant and convey unto the Grantee, its successors and assigns, an easement in accordance with the following terms, conditions, covenants and agreements:

1. Grantor hereby grants to the Grantee a non-exclusive ten foot (10') wide easement on and over the Easement Area so that the Grantee, its agents, representatives or employees may enter upon and re-enter upon the Easement Area for the purpose of maintaining, inspecting, operating, repairing,

reconstructing, replacing and/or otherwise upgrading a certain water line running under and through the Easement Area.

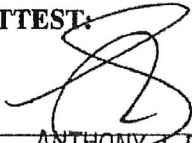
2. Following entry upon the Easement Area by Grantee, its agents, employees, or contractors, Grantee shall restore the surface of the ground to its pre-existing condition.

3. Grantor, its successors and/or is assigns shall not erect any permanent structures or use the easement in a manner which would prevent, obstruct, or hinder Grantee's rights hereunder.

4. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed, sealed, and delivered this 21st day of April, 2009.

ATTEST:


ANTHONY J. PETERPAUL
ATTORNEY AT LAW OF NEW JERSEY
STATE of NEW JERSEY

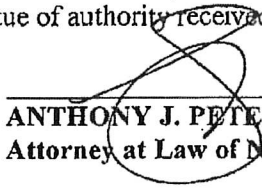
COUNTY of MONMOUTH

S.S.:

I CERTIFY that on April 21, 2009, Lawrence S. Grafas, personally came before me and this person acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) this person signed, sealed and delivered the attached document as Manager of SSM Partners, LLC, a limited liability company of the State of New Jersey, the entity named in this document;
- (b) this document was signed and delivered by the limited liability company as its voluntary act and deed by virtue of authority received from its members.

RJR
Peterpaul + Clark
1 Cleveland Place
Springfield, NJ 07081


ANTHONY J. PETERPAUL
Attorney at Law of New Jersey

INSTRUMENT NUMBER 2009046737
RECORDED ON MAY 04, 2009 3:28:53 PM
BOOK=08-8770 PAGE=9776
Total Pages: 4
COUNTY RECORDING FEES \$70.00
TOTAL PAID \$70.00
MONMOUTH COUNTY, NJ
CLARE FRENCH, CLK

SCHEDULE A

O'DONNELL, STANTON & ASSOCIATES, Inc.

ENGINEERS • PLANNERS • SURVEYORS

Description of a 10 foot wide Water Easement
Across Lot 2 (formerly Lots 2 & 26) in Block 806
Wall Township
Monmouth County New Jersey

Beginning at a point in the easterly line of New Jersey State Highway Route No. 34 (120 feet wide), said point being South 14 degrees 12 minutes 30 seconds East, 73.33 feet from the intersection of the common line between Tax Lots 2 and 6 in Block 806 with the said easterly line of New Jersey State Highway Route No. 34 and running; thence

- 1) North 75 degrees 53 minutes 39 seconds East, 199.01 feet to a point; thence
- 2) South 14 degrees 12 minutes 30 seconds East, 99.84 feet to a point; thence
- 3) South 79 degrees 00 minutes 00 seconds East, 84.75 feet to a point in the division line between Tax Lots 2 and 4; thence
- 4) South 11 degrees 00 minutes 00 seconds West, along said line, 10.00 feet to a point; thence
- 5) North 79 degrees 00 minutes 00 seconds West, 91.10 feet to a point; thence
- 6) North 14 degrees 12 minutes 30 seconds West, 95.70 feet to a point; thence
- 7) South 75 degrees 53 minutes 39 seconds West, 189.03 feet to a point in the easterly line of New Jersey State Highway Route No. 34; thence
- 8) North 14 degrees 12 minutes 30 seconds West, along the easterly line of New Jersey State Highway Route No. 34, 10.00 feet to the point and place of Beginning.

Containing 3,794.61 Square Feet

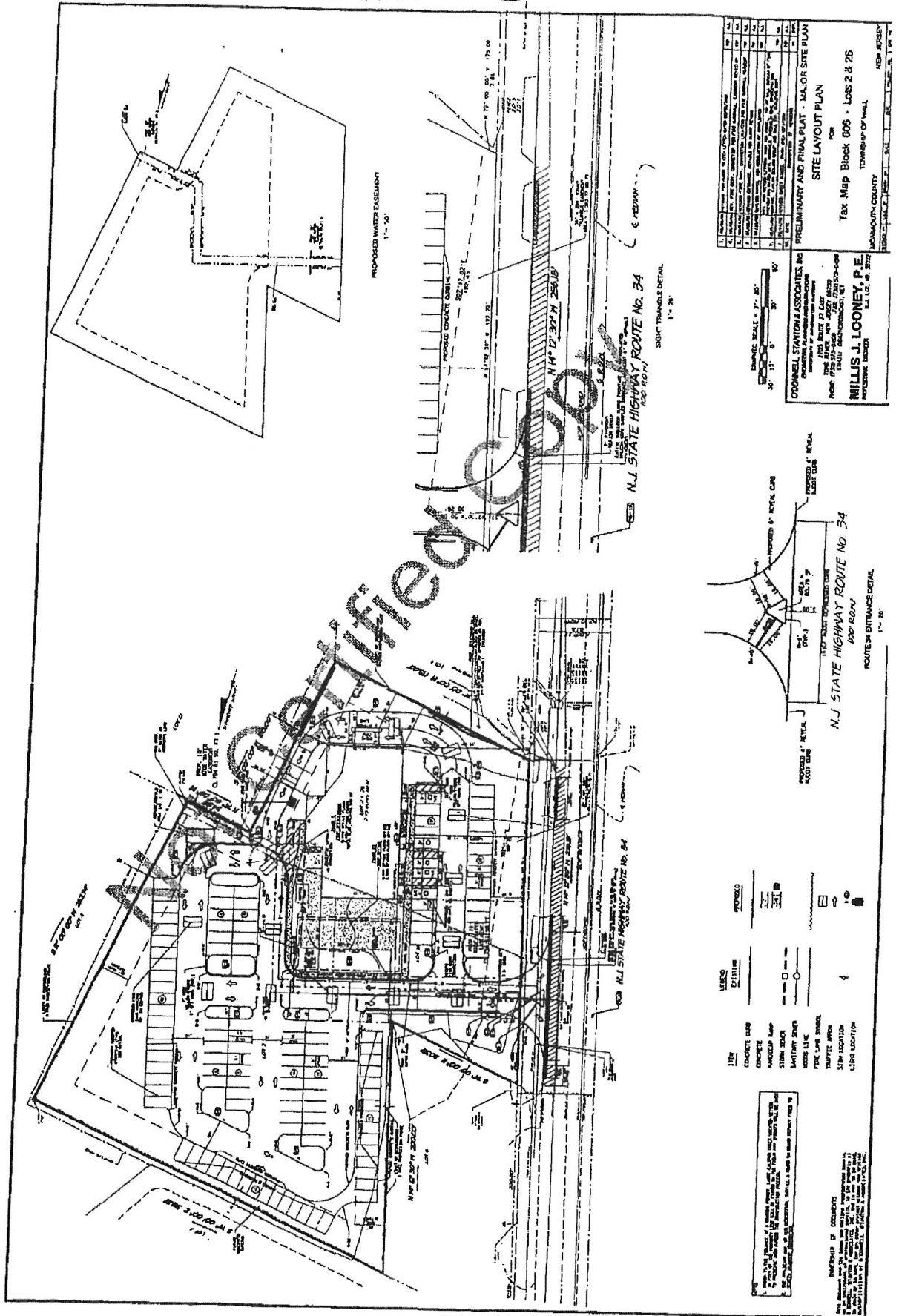
Intended to describe a ten foot wide water easement across Tax Lot 2 (formerly Lots 2 & 26) in Block 806 as shown on the Wall Township Tax Map.

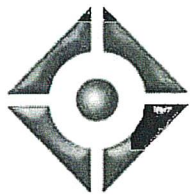
Being more particularly shown on a plan entitled "Preliminary and Final Plat-Major Site Plan, Site Layout Plan for Tax Map Block 806 - Lots 2 & 26" prepared by O'Donnell, Stanton & Associates, Inc., Toms River, New Jersey dated December 03, 2007, revised to August 21, 2008.

Prepared by:
O'DONNELL, STANTON & ASSOCIATES, INC.

Stuart D. Christie 12/22/08
Stuart D. Christie, P.L.S.
New Jersey License No. GS29345

SCHEDULE B





CONTROL POINT ASSOCIATES, INC.

traditional methods | modern approaches

Exhibit B

01-180041-00

LEGAL DESCRIPTION
PROPOSED RELOCATED 10 FEET WIDE WATER EASEMENT
PORTION OF LOT 2, BLOCK 806
TOWNSHIP OF WALL, MONMOUTH COUNTY
STATE OF NEW JERSEY

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF NEW JERSEY STATE HIGHWAY ROUTE 34 (120 FEET WIDE RIGHT OF WAY), WHERE IT IS INTERSECTED BY THE DIVIDING LINE BETWEEN LOTS 2 AND 1, BLOCK 806, SAID POINT ALSO BEING THE TERMINUS OF THE SEVENTH COURSE AS DESCRIBED IN DEED BOOK 8770, PAGE 9715, AND RUNNING THENCE;

1. ALONG SAID NORTHEASTERLY LINE OF ROUTE 34, NORTH 17 DEGREES 46 MINUTES 04 SECONDS WEST, A DISTANCE OF 11.05 FEET TO A POINT IN THE SAME, THENCE;

ACROSS LOT 2, BLOCK 806, THE FOLLOWING THREE (3) COURSES:

2. SOUTH 82 DEGREES 33 MINUTES 40 SECONDS EAST, A DISTANCE OF 169.70 FEET TO A POINT, THENCE;
3. NORTH 07 DEGREES 26 MINUTES 26 SECONDS EAST, A DISTANCE OF 150.00 FEET TO A POINT, THENCE;
4. SOUTH 82 DEGREES 33 MINUTES 34 SECONDS EAST, A DISTANCE OF 64.39 FEET TO A POINT IN THE EASTERLY LINE OF LOT 2, BLOCK 806, THENCE;
5. ALONG SAID EASTERLY LOT LINE, SOUTH 07 DEGREES 26 MINUTES 26 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT IN DIVIDING LINE BETWEEN LOT 2 AND 12, BLOCK 806, THENCE;

ALONG SAID DIVIDING LINE, THE FOLLOWING TWO (2) COURSES:

6. NORTH 82 DEGREES 33 MINUTES 34 SECONDS WEST, A DISTANCE OF 54.39 FEET TO A POINT, THENCE;
7. SOUTH 07 DEGREES 26 MINUTES 26 SECONDS WEST, A DISTANCE OF 150.00 FEET TO A POINT IN THE DIVIDING LINE BETWEEN LOTS 1 AND 2, BLOCK 806, THENCE;
8. ALONG SAID NORTHERLY LOT LINE, NORTH 82 DEGREES 33 MINUTES 40 SECONDS WEST, A DISTANCE OF 174.99 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 3,817 SQUARE FEET OR 0.088 ACRES

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A MAP ENTITLED "EXHIBIT SKETCH - PROPOSED RELOCATED 10 FEET WIDE WATER EASEMENT, LOT 2, BLOCK 806, 2274 N.J.S.H. ROUTE 34, TOWNSHIP OF WALL, MONMOUTH COUNTY, STATE OF NEW JERSEY," PREPARED BY CONTROL POINT ASSOCIATES INC., DATED 11-29-2021.



Digitally
signed by
James D. Sens

Date:
2022.01.10
12:11:40
-05'00'

CONTROL POINT ASSOCIATES, INC.

11-29-2021
DATE
JAMES D. SENS
STATE OF NEW JERSEY
PROFESSIONAL LAND SURVEYOR #24GS04322600
NEW JERSEY CERTIFICATE OF AUTHORIZATION #24GA27938600

JDS/CWF
PREPARED BY: CWF
REVIEWED BY: JDS

